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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,321	01/03/2002	Robert P. Carlstedt	60,130-1024; 01MRA0137	7226

26096 7590 05/22/2003

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BIRMINGHAM, MI 48009

EXAMINER

NGUYEN, TAN QUANG

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/038,321

Applicant(s)

CARLSTEDT ET AL.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAIL ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-18 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
3. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. As per claim 10 (as exemplary of claims 10 and 15), it is unclear that a condition of a selected component on the first vehicle is provide to the vehicle operator of the first vehicle or the second vehicle. Clarification is needed
5. The following rejections are based on the examiner's best interpretation of the claims in light of the 35 U.S.C. 112 errors noted above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-9, 11-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (6,012,012).

9. With respect to claims 1, 2, 8 and 9 Fleck et al. disclose a method and system for determining of dynamic traffic information or traffic events which includes a vehicle which includes sensor for sensing the driving condition or traffic event and send such data (float data) to the remote center 20 (see at least the abstract, figure 1 and column 4, start at line 59), and a controller support on the "second vehicle" that communicate with the remote center to observes the flow of traffic with a warning signal or suggestion of action (see at least columns 5 and 6).

10. Fleck et al. do not explicitly disclose that the driving condition that the second vehicle is observed is at the location before the second vehicle reaches. However, it is obvious to one of ordinary skill in the art at the time the invention was made to realized that the traffic condition or traffic events requested by the "second vehicle" (or subscribers) and are sent from the remote center should be the conditions that the second vehicle is approaching in order to let the driver know what to expect or prepare in advance, thereby avoiding any accident that may happen or let the driver to the alternative route to avoid traffic.

11. With respect to claim 3, Fleck et al. do disclose that the remote center processes signals received from a plurality of vehicle and provides information to a plurality of second vehicles (see figures 1, 4 and columns 4-6).

12. With respect to claims 4 and 5, Fleck et al. do disclose a driver interface supported in the second vehicle for providing an indication of the driving condition to the driver (see column 5, lines 44-47).

13. With respect to claims 6 and 7, Fleck et al. do suggest that the first vehicle has sensors for detecting the driving condition which includes the operation status of the vehicle and the suspension is obviously among such information (see at least column 4, lines 65-68. Fleck et al. also disclose that the float data includes the dynamic traffic information or traffic events, which an ordinary skill in the art can realize that the road surface condition is obviously taking into consideration. It would have been obvious to one of ordinary skill in the art to modify the teaching of Fleck et al. by adding the road surface condition of the approaching road to let the driver in the second vehicle know, thereby can take an appropriate action such as a suspension control in the case there is a pot hole or bad road ahead (switch to hard/soft suspension accordingly), to improve the system.

14. With respect to claims 11-14 and 16-18, the limitations of these claims have been noted in the rejections above and in the Fleck et al. teaching. They are therefore considered rejected as set forth above.

15. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. as applied to the claims above, and further in view of Moskowitz (6,339,736)).

16. Fleck et al. disclose the claimed invention as discussed above except for that the float data also includes a diagnostic data, i.e. a condition of a selected component. However, such diagnostic data is sent from the vehicle to the remote center is well known in the art at the time the invention was made and is shown in at least the teaching of Moskowitz reference in the abstract and figure 4. It would have been obvious to one of ordinary skill in the art to combine the teaching of Mooskowitz et al. into the system of Fleck et al. to includes the diagnostic data as the "operating status" as suggested in the column 4, lines 64-67.

Conclusion

17. All claims are rejected.

18. The following references are cited as being of general interest: Fastenrath (5,889,477), Alewine et al. (6,150,961), Nakatani (6,151,550), Mohlenkamp (6,178,374), Kutlucinar et al. (6,229, 438), Ogura et al. (6,317,682), 6,339,736), Xu et al. (6,401,027), and Fushiki et al. (6,546,330).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

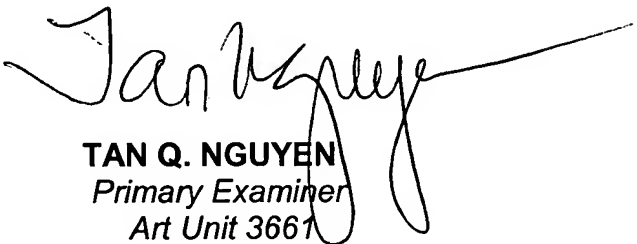
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Hand-delivered responses should be brought to Crystal Park V, 2451
Crystal Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 308-1113.

/tqn
May 17, 2003


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661